Remarks

Claims 1 through 17 are now pending.

Amendment to the Claims

The claims have been amended in an attempt to put the claims in condition for allowance. Applicants respectfully request that the amendment be entered.

Claim 1 has been amended to recite the specific Mooney viscosity in the form of a Markush group.

Rejections Under 35 U.S.C. Section 112

Claim 1 has been amended to remove the offending range for Mooney viscosity and replace it with a Markush grouping of the specifically disclosed ranges. Applicants urge that claim 1 is now complies with the written description requirement of 35 U.S.C. Section 112, first paragraph.

Rejections Under 35 U.S.C. Section 103

The claims stand rejected under 35 U.S.C. Section 103(a) as being anticipated by Fischer et al., U.S. Patent No. 4,309,332 (Fischer) in view of Lewis, U.S. Patent No. 3,873,494. To the extent that the amended claims are deemed unpatentable over the cited art, these rejections are traversed.

Fischer teaches an ethylene vinyl acetate gum stock modified with a suitable elastomer, including polyacrylate rubber among others (abstract). As noted by the Examiner, Fischer fails to disclose an ACM having a Mooney viscosity as recited in the claims. To provide for the lack of teaching in Fischer, the Examiner proposes to combine Fischer with the teaching of Lewis.

Applicants urge that a combination of Fischer and Lewis does not result in the present claims, and therefore no prima facie obviousness is established. Lewis in fact does not teach the use of ACM at all. Lewis at Column 1, Lines 34 through 45 teaches a cable covering that is a blend of a butadiene/acrylonitrile polymer (i.e., NBR) with an ethylene acrylic ester polymer (i.e., AEM) or an ethylene/vinyl acetate polymer (i.e., EVM). Nowhere does Lewis teach or make obvious the use of ACM in any way. It is apparent that the Examiner has mistaken either NBR or AEM for ACM; in the current specification, ACM is identified as a polymer of acrylic acid esters (Page 3, Lines 12 through 14) that may include a cure site co-monomer (Page 3, Lines 22 and 23). In fact, ACM is contrasted with AEM in the current specification in Example I, wherein a specific AEM is identified as a terpolymer of ethylene, methyl acrylate, and a cure site monomer. By contrast, and as would be appreciated by one skilled in the art, ACM is not derived from ethylene as one of its monomers. Clearly, the proposed combination of Fischer and Lewis does not result in the present claims.

Conclusion

Applicants urge that the amended claims are now fully patentable over the cited art. Applicants respectfully request allowance of all claims.

Respectfully submitted,

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